



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 3, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0280

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.300-POL-5 Use of Force – Vehicle-Related Force Tactics 4. Officers Will Report the Use of PIT, Ramming, Stationary Tire Deflation Devices, and Certain Roadblocks as a Use-of-Force	Not Sustained - Training Referral

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1) failed to report striking Vehicle #1 during a pursuit.

ADMINISTRATIVE NOTE:

On August 3, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

On August 30, 2022, the Complainant emailed an OPA complaint. OPA opened an intake that day. OPA used the August 30, 2022, date to calculate the 180-day deadline, which was appropriate under the 2017 Police Accountability Ordinance. See Ordinance, section 3.29.130(B) (the 180-day clock "begins on the date OPA initiates or received a complaint"). However, in this case, the Blue Team routings show that the collision between NE#1 and Vehicle #1—whether intentional or not—was known to the chain of command on June 7, 2022, the day of the incident. Moreover, Witness Supervisor #1 (WS#1)—the first supervisor to review the incident—referenced the collision in his Blue Team routing to the chain on June 25, 2022. Under Section 3.6(B) of the Seattle Police Officers' Guild Collective Bargaining Agreement (SPOG CBA), the 180-day start date was "fourteen (14) days after the date on which the initial supervisor submits the incident for review to the Chain of Command." SPOG CBA, section 3.6(B)(iii). Accordingly, the 180-day clock started on July 9, 2022, fifty-two days before OPA's calculated start date. Therefore, due to the untimeliness of the findings, the named employee cannot be subjected to discipline.

SUMMARY OF INVESTIGATION:

During its investigation, OPA reviewed the complaint, collision report, vehicle pursuit reports, training record, and in-car video (ICV). OPA also interviewed WS#1 and NE#1.



A. OPA Complaint

The Complainant—an SPD captain—submitted an OPA complaint. The Complainant wrote that an OPA referral was made concerning a pursuit (investigated under 2022OPA-0208), but “After reviewing ICV, it appears [NE#1] may have intentionally rammed [Vehicle #1] during the pursuit.” The Complainant also wrote that another officer discovered the damage to NE#1’s vehicle the next day and reported it.

B. Underlying Pursuit and Collision

This complaint arose from a pursuit that OPA investigated under 2022OPA-0208. The underlying facts of that pursuit are relevant to this complaint only as background.

At a South Precinct third watch roll call on June 6, 2022, WS#1 told officers—including NE#1—that there was probable cause that Vehicle #1 and two suspects were involved in a drive-by shooting. WS#1 said that if Vehicle #1 was located, he would grant permission to pursue it.

Early on June 7, 2022, officers saw Vehicle #1 and attempted to stop it, but Vehicle #1 fled. The officers pursued. NE#1 was the lead vehicle, immediately behind Vehicle #1.

The pursuit began in the South Precinct. Officers pursued Vehicle #1 through the Beacon Hill neighborhood, over the Jose Rizal Bridge, and continued into the East Precinct before Vehicle #1 hit a tree in Capitol Hill. Community Member #1 (CM#1)—the driver— and Community Member #2 (CM#2)—a passenger—exited Vehicle #1 and were arrested.

During the pursuit, NE#1’s vehicle collided with the rear of Vehicle #1, causing damage. NE#1 did not immediately report the collision to WS#1, which is the subject of this complaint.

C. Vehicle Pursuit Reports

Multiple officers were involved in the pursuit. Eight separate pursuit reports were written.

NE#1 wrote a vehicle pursuit form and submitted it to WS#1 on June 7, 2022, at 3:57 a.m. NE#1’s original pursuit form did not reference the collision between his vehicle and Vehicle #1. WS#1 reviewed the form and returned it to NE#1 for unrelated edits at 4:02 a.m. NE#1 returned it to WS#1 at 4:23 a.m. On June 7th at 10:41 p.m., WS#1 returned the form to NE#1 requesting the following changes:

You will need to enter information regarding the inadvertent collision with the suspect vehicle. In the Blue Team portion (not the template), you will also need to fill in property damage information (tree and stop sign) and vehicle damage sustained to the suspect vehicle. Also, complete damage information for the damage sustained to your patrol vehicle. [Station Master #1] should have that information available for you regarding damage to the patrol vehicle.

NE#1 returned the edited form to WS#1 on June 7th at 10:41 p.m. NE#1 wrote, in relevant part:



While travelling northbound on 14 Ave S we veered onto 12 Ave still heading northbound with speeds up to 80 mph. While continuing northbound on 12th Ave, the suspect vehicle decreased in speed and I inadvertently collided with the rear bumper of the suspect vehicle. The suspect vehicle did not lose control after the collision and increased in speed. We stayed northbound on 12th Ave S until reaching E Aloha St, where the suspect vehicle collided into a tree and a stop sign, ending the pursuit. Suspects were taken into custody and searched incident to arrest. Suspect vehicle incurred damages to the rear bumper and completely smashed in the front bumper/engine block after colliding with the tree. Suspect vehicle also completely blew its front tires after the collision. My patrol vehicle's push bar was bent inwards on the left side from the incidental collision.

WS#1 wrote a supervisor vehicle pursuit report and forwarded it to the chain of command on June 25, 2022. WS#1 wrote that he authorized the pursuit, followed the path of the pursuit, monitored traffic conditions and hazards in real-time, and requested updates on speeds. WS#1 documented his decision-making process, evaluating several factors for and against the pursuit. WS#1 also documented details about NE#1's collision with Vehicle #1.

Further, the lead pursuing vehicle/officer, [NE#1], was involved in a collision with the suspect vehicle. The collision occurred at high speed, but the impact was not significant as both vehicles were traveling in the same direction at similar speeds. This collision was not immediately reported to me at the conclusion of the pursuit, but the damaged patrol vehicle was discovered by the South Precinct 1st Watch Commander the following morning. Upon video review, I observed the collision and spoke with [NE#1]. The officer did not deliberately attempt to conceal the collision from me, and he was clearly experiencing high levels of adrenaline immediately after a high-speed vehicle pursuit and subsequent foot pursuit. The officer reported that he forgot about the collision after the conclusion of the event.

The Complainant reviewed the incident on August 25, 2022, and wrote:

At one point during the pursuit, the suspect vehicle slowed down slightly, and [NE#1] collided with the vehicle. It appears [NE#1] was accelerating and may have purposely rammed into the suspect's vehicle. If so, this should have been reported as a use of force. [NE#1] failed to report this to [WS#1]. It was only reported when another officer discovered the damage to the patrol vehicle. OPA is aware of this and will address in their review.

D. In-Car Videos

OPA reviewed NE#1's in-car video (ICV) and found it consistent with the collision and vehicle pursuit reports described above. NE#1 pursued Vehicle #1. NE#1's vehicle sped up—evidenced visually and by an audible revving sound—closing the distance between NE#1 and Vehicle #1.



*Still image from NE#1's ICV depicting NE#1 closing the distance.
License plates are obscured with white dots.*

NE#1's vehicle struck the rear of Vehicle #1, causing an audible sound.



Still image from NE#1's ICV depicting NE#1's vehicle striking Vehicle #1.

Vehicle #1 sped up, and its rear had noticeable damage.



*Still image from NE#1's ICV depicting damage to Vehicle #1.
Two white circles obscure the license plate.*

OPA also reviewed WE#2's ICV. WE#2 was second to NE#1 during the pursuit. OPA found WE#2's ICV consistent with the evidence summarized above.

E. Collision Report

Witness Employee #1 (WE#1) wrote a collision report on June 8, 2022. WE#1 wrote that, on June 7, 2022, NE#1 operated a marked police vehicle with overhead lights and sirens activated. WE#1 wrote that during a high-speed pursuit, NE#1's vehicle "made contact with the rear of" Vehicle#1. WE#1 wrote that neither vehicle appeared to lose control and continued northbound. WE#1 also wrote that Vehicle#1 was reportedly stolen.

F. OPA Interviews

OPA interviewed WS#1. WS#1's statements were consistent with his vehicle pursuit report. Additionally, WS#1 said that when confronted, NE#1 "immediately admitted" to the collision and was "very apologetic." WS#1 also said NE#1 said the crash was accidental due to Vehicle#1 suddenly slowing, leaving NE#1 insufficient time to avoid it.

OPA interviewed NE#1. NE#1 said he had been with SPD for three years. NE#1 said he had never experienced a vehicle pursuit before this one. NE#1 described traveling speeds between 60 to 70 MPH in a 25-MPH area, pursuing CM#1 on city streets, driving on a sidewalk, and seeing CM#1 run red lights and stop signs. NE#1 did not recall seeing civilian vehicles evade the pursuit or seeing CM#1 swerve to avoid other cars.

OPA asked NE#1 about the collision. NE#1 said he had tunnel vision on the fleeing vehicle's taillights and did not realize that the car slowed down, so NE#1 characterized the collision as an accident. OPA asked NE#1 why he did not report the collision. NE#1 said, "So, once we had all finished everything and everything was all done, I was just, you know, honestly just thinking that was the wildest thing I had ever done in my life, especially at work. Not that I wouldn't do it again, but I have never experienced anything like that. A vehicle pursuit followed by a small foot chase. I had a lot more things on my mind other than just remembering the small collision that happened." NE#1 also described



“experiencing a lot of excitement during [the pursuit]” that prevented him from falling asleep until later that night. NE#1 said the ramming was unintentional and not an attempt to stop the fleeing vehicle.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.300-POL-5 Use of Force – Vehicle-Related Force Tactics 4. Officers Will Report the Use of PIT, Ramming, Stationary Tire Deflation Devices, and Certain Roadblocks as a Use-of-Force

The Complainant alleged NE#1 failed to report ramming Vehicle#1.

Officers must report vehicle tactics like PIT, ramming, stationary tire deflation devices, and certain roadblocks as a use of force. SPD Policy 8.300-POL-5(4). A “PIT (Pursuit Intervention Technique)” is a “controlled and trained forced rotational stop of a non-compliant suspect vehicle used to reduce the risks in bringing a pursuit to a conclusion. PIT is always a use of force.” SPD Policy 8.050 (Use of Force Definitions). “Ramming” is “the *intentional* use of a vehicle to strike another vehicle *for the purpose of interrupting or incapacitating that vehicle*. Ramming is always a use of force.” *Id.* (emphasis added). “Vehicle-to-Vehicle Contact” is “contact between vehicles designed to guide or prevent movement of a vehicle, but without significant impact (ramming) and not reasonably likely to cause injury.” *Id.*

Here, NE#1 struck Vehicle#1 but did not report it as a use of force. Whether NE#1 “rammed” CM#1—defined in SPD Policy 8.050—is disputable. ICV showed NE#1 accelerate to close the distance Vehicle#1. NE#1 stated that Vehicle #1 slowed, causing him to collide with its rear. OPA finds the ICV inconclusive on that point. ICV did not refute NE#1’s claim, nor does it confirm it.

NE#1 attributed his failure to report the collision—whether an intentional ramming or inadvertent crash—to forgetfulness and high adrenaline. NE#1 said the excitement from the pursuit prevented him from falling asleep. OPA notes that NE#1 submitted his first account of the incident for supervisor review about three-and-a-half hours after the pursuit. Less than a day passed before WS#1 confronted NE#1 about the collision. WS#1 found that NE#1 was forthright about the crash. The pursuit occurred sometime after midnight, and WS#1 discovered the damage to NE#1’s vehicle the following morning. Despite NE#1’s failure to report the collision, WS#1 told OPA that, when asked, NE#1 “immediately admitted” it and was “very apologetic.” Accordingly, there is insufficient evidence that NE#1 deliberately attempted to conceal the collision.

Although NE#1 was trained in high-speed emergency driving, as reflected in his training record, high-speed emergency driving differs from pursuit driving. NE#1’s training records do not reflect pursuit driving training. NE#1 is a relatively newer officer with only three years of law enforcement experience. NE#1 also indicated that this was his first pursuit, describing it as the “wildest thing” he has ever done. Although NE#1 failed to report colliding with Vehicle #1, and OPA finds his attributing it to excitement and forgetfulness unacceptable, OPA finds that the best course of action is for NE#1’s chain of command to provide him with additional training and counseling.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review current SPD Policy 8.300-POL-5 and relevant definitions in 8.050 with NE#1, and provide any further retraining and



counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**